THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.3273 OF 2002

DATED: 12-6-2007

Between:

M. Narayana

.. Petitioner

and

Industrial Tribunal-II, represented by its Presiding Officer, Chandravihar Building, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.3273 OF 2002

ORDER:

This writ petition is filed seeking a certiorari to call the records pertaining to the award, dated 29.12.2000, made in I.D.No.65 of 2000, on the file of the 1st respondent-Industrial Tribunal-II, Hyderabad, and to quash the same as illegal and unjust.

It appears, the petitioner, while serving the A.P. State Road Transport Corporation (for short 'APSRTC'), was removed from service on 20.06.1995, after conducting a detailed enquiry into the misconduct of cash and ticket irregularities alleged to have been committed by him. Aggrieved by the same, the petitioner raised a dispute under Section 2-A (2) of the Industrial Disputes Act (for short 'the Act'), seeking reinstatement into service with continuity of service, full backwages and all other attendant benefits.

It was the case of the petitioner that the enquiry was not properly conducted by the management, the charges framed against him were not truthful and, even otherwise, if the alleged misconduct is proved, the punishment of removal from service is disproportionate to that of the said misconduct.

A detailed counter-affidavit was filed by the 2nd respondent-management denying the allegations made by the petitioner and further asserting that the petitioner had no good record of service.

Before the Labour Court, though no oral or documentary evidence was adduced, the Labour Court, on the basis of the material made available on record, came to the conclusion that the very explanation offered by the petitioner to the charge sheet clearly reveals that he is not a truthful witness and he has no respect for truth.

The charge levelled against the petitioner is that, despite collecting requisite fare of Rs.2-25 ps. in all from three passengers at the boarding point itself, the petitioner did not issue tickets to them and allowed them to travel without tickets, and they were found alighting the bus at the stage of check. The petitioner had also failed to issue tickets within one fare stage and thereby committed an illegality.

However, in the facts and circumstances of the case, the Labour Court directed reinstatement of the petitioner into service with continuity of service, but without backwages from the date of removal till the date of reinstatement and other attendant benefits. Further, a punishment of deferment of five increments with cumulative effect from the date of removal was imposed on the petitioner. Aggrieved by the said punishment, the petitioner filed this writ petition.

Heard both sides.

On perusal of the impugned order, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. In fact, it had taken a lenient view and imposed a lesser punishment than that of removal from service. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is, accordingly, dismissed. No costs.

At this stage, the learned counsel for the petitioner states that,

during the pendency of the writ petition, the petitioner retired from service on attaining the age of superannuation, but his retirement benefits are not paid in view of the pendency of this writ petition.

In view of the same, the 2nd respondent is directed to consider settlement of retirement benefits of the petitioner and complete the said process within a period of one month from the date of receipt of a copy of this order.

C.V. RAMULU, J

12th June 2007.
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